

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOHNATHAN AND TRUDE YARGER,  
and a Class of similarly situated persons,

Plaintiffs,

v.

ING BANK, FSB D/B/A/ ING DIRECT,

Defendant.

Case No. 11-154-LPS

**UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT, FOR CERTIFICATION OF SETTLEMENT CLASS,  
AND FOR APPROVAL OF NOTICE PLAN AND FORM OF CLASS NOTICE**

Plaintiffs Johnathan and Trude Yarger (“Class Representatives”), Donna Insalaco, Jeffrey Gerbitz, and Joshua Richman (“Other Plaintiffs”; together with Class Representatives, collectively, “Settlement Class Representatives”), respectfully move this Court for the entry of an Order: (i) granting preliminary approval of the proposed settlement (the “Settlement”) set forth in the Settlement Agreement dated April 8, 2014 (the “Settlement Agreement”) (attached hereto as Exhibit A); (ii) conditionally certifying the proposed Settlement Class for purposes of settlement; (iii) approving the form and manner of providing notice of the Settlement to the Settlement Class; (iv) setting a hearing date to consider final approval of the Settlement, Settlement Class Counsel’s motion for attorneys’ fees and expenses, and Class Representatives’ request for service award in connection with their representation of the Class (the “Fairness Hearing”); (v) appointing a settlement administrator; and (vi) setting a schedule of deadlines for various events leading to the Fairness Hearing.

The reasons for this motion are set forth more fully in the accompanying brief, the Settlement Agreement, and the exhibits attached thereto. A proposed form of Order, attached as Exhibit 1 to the Settlement Agreement, is also attached hereto as Exhibit B.

Dated: April 9, 2014

ROSENTHAL, MONHAIT & GODDESS, P.A.

By: /s/ Jeffrey S. Goddess

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